



Order Filed on October 23, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)
UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF THE UNITED STATES TRUSTEE
ANDREW R. VARA
ACTING UNITED STATES TRUSTEE,
REGION 3
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In Re:

Nicholas Pezza,

Debtor.

Case No.: 16-33371 (RG)

Chapter 11

Hearing Date: October 17, 2018, at 2:00 p.m.

Judge: The Honorable Rosemary Gambardella

**ORDER DIRECTING THE FILING OF AMENDED MONTHLY OPERATING
REPORTS, DIRECTING THE FILING OF ALL OUTSTANDING MONTHLY
OPERATING REPORTS, DIRECTING DEBTOR TO PAY ALL STATUTORY FEES,
AND SETTING CONDITIONS FOR VOLUNTARY DISMISSAL OF CASE**

The relief set forth on the following pages, numbered 2 through 3, is hereby
ORDERED.

DATED: October 23, 2018

A handwritten signature in cursive script that reads "Rosemary Gambardella".
Honorable Rosemary Gambardella
United States Bankruptcy Judge

(Page 2)

Debtor: Nicholas Pezza

Chapter 11 Case No. 16-33371 (RG)

ORDER DIRECTING THE FILING OF AMENDED MONTHLY OPERATING REPORTS, DIRECTING THE FILING OF ALL OUTSTANDING MONTHLY OPERATING REPORTS, DIRECTING DEBTOR TO PAY ANY STATUTORY FEES, AND SETTING CONDITIONS FOR VOLUNTARY DISMISSAL OF CASE

THIS MATTER having come before the Court on the motion of the U.S. Trustee to dismiss case, or in the alternative, motion to convert case from Chapter 11 to Chapter 7 for the Debtor's failure to file monthly operating reports; and Michael A. Artis, Esq., appearing on behalf of Andrew R. Vara, the Acting United States Trustee; and Michal J. Cavallaro, Esq., appearing on behalf of the Debtor, Nicholas Pezza; and Denise Carlon, Esq., appearing on behalf of the secured creditor, KML Law Group, P.C.; and the United States Trustee filing and objection to the Debtor's Chapter 11 plan and motion to sell real property; and the United States trustee further raising certain concerns on the record regarding the Debtor's monthly operating reports, and the Debtor's payment of statutory fees; and the Debtor through counsel requesting permission for voluntary dismissal of his chapter 11 case in lieu of conversion to chapter 7, and the Court noting on the record that the Debtor had to comply with the Court's prior order of July 27, 2018, before it would consider a motion to voluntary dismiss case; and for good cause shown, it is hereby:

ORDERED that the Debtor shall amend his monthly operating reports pursuant to the prior order of this Court that was entered on July 27, 2018 (Docket No. 27) by October 31, 2018; and it is further

ORDERED that the Debtor shall file any and all outstanding monthly operating reports and shall pay any statutory fees due to the U.S. Trustee Program pursuant to 28 U.S.C. § 1930 by

(Page 3)

Debtor: Nicholas Pezza

Chapter 11 Case No. 16-33371 (RG)

ORDER DIRECTING THE FILING OF AMENDED MONTHLY OPERATING REPORTS, DIRECTING THE FILING OF ALL OUTSTANDING MONTHLY OPERATING REPORTS, DIRECTING DEBTOR TO PAY ANY STATUTORY FEES, AND SETTING CONDITIONS FOR VOLUNTARY DISMISSAL OF CASE

October 31, 2018; and it is further

ORDERED that if the Debtor fails to amend his monthly operating reports, fails to file all outstanding monthly operating reports, and fails to pay all statutory fees, upon notice of default by the U. S. Trustee, this case shall be converted from chapter 11 to chapter 7; and it is further

ORDERED that if the Debtor amends his monthly operating reports, files all outstanding monthly operating reports, and pays all statutory fees, the Court will consider a motion by the Debtor for voluntary dismissal of chapter 11 case; and it is further

ORDERED that any motion by the Debtor for voluntary dismissal of chapter 11 case must be filed on an expedited basis on or before November 13, 2018; and it is further

ORDERED that the motion of the United States Trustee to dismiss/convert case from Chapter 11 to Chapter 7 is rescheduled to November 27, 2018, at 10:00 a.m.